

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
S/S White Oak Road, 353' W
of c/1 Oak Road
1721 White Oak Road
9th Election District
4th Councilmanic District
Robert D. Steele, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 25 ft. for an open projection (deck) in lieu of the required 37-1/2 ft. setback, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 1991 that the Petition for a Zoning Variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 25 ft. for an open projection (deck) in lieu of the required 37-1/2 ft. setback, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mnn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 7, 1991

Mr. and Mrs. Robert Dean Steele
1721 White Oak Avenue
Baltimore, Maryland 21234

RE: Petition for Residential Zoning Variance
Case No. 92-1-A

Dear Mr. and Mrs. Steele:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mnn
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 303.1 to allow a rear yard setback of 25' for an open projection (deck) in lieu of the required 37-1/2 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:
The existing previous porch was falling down, creating a dangerous situation for my kids. I wanted to remove this situation and put a wood deck in its place at the same dimensions except for the steps are moved to the side, making the porch to optimum open space with less steps for my children.
Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)
(Type or Print Name)
Signature
Address
City/State/Zip Code
Attorney for Petitioners

Legal Owner(s)
(Type or Print Name)
Signature
Address
City/State/Zip Code
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Name
Address

ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be posted on the property on or before the ____ day of ____, 19__.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19__, at ____ o'clock, ____.



ORDER RECEIVED FOR FILING
Date
By

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 1721 White Oak Ave.

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

The existing previous porch was falling down, creating a dangerous situation for my kids to be around. I wanted to remove this situation and put a wood deck in its place with the same dimensions except for the steps are moved to the side, making the porch to optimum open space with less steps for my children.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Robert Dean Steele
AFFIANT (Handwritten Signature)
Robert Dean Steele
AFFIANT (Printed Name)
Elizabeth Ann Steele
AFFIANT (Handwritten Signature)
Elizabeth Ann Steele
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of August, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Robert D. Steele & Elizabeth A. Steele

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires: 12/31/92

(3)

Zoning Description

Beginning at a point on the South side of 1721 White Oak Ave 60' R/W wide at the distance of 353.5' west of the centerline of the nearest improved intersecting street Oak Road which is 60 R/W wide. Being Lot #16, Block #1700, Section # in the subdivision of Ridgely as recorded in Baltimore County Plat Book # 14, Folio # 150 containing 3590.8 sq. ft. Also known as 1721 White Oak Ave and located in the #09 Election District.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6190
Number

receipt

7/20/91

PLUMBING WORK

REPAIRING

REPAIRING

REPAIRING

REPAIRING

C:\AD\MOB\IN\CHRC
Please Make Checks Payable To: Baltimore County 101386MD-01-91

\$60.00

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

July 10, 1991

887-3353

Robert and Elizabeth Steele
1721 White Oak Avenue
Baltimore, Maryland 21234

Re: CASE NUMBER: 92-1-A
LOCATION: S/S White Oak Road, 353' W of c/1 Oak Road
1721 White Oak Road

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 21, 1991. The closing date is August 5, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

S. S. Stephens
(301) 887-3391

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

August 5, 1991

887-3354

Mr. & Mrs. Howard L. Donovan, Jr.
2900 Cedarcrest Avenue
Edgemere, MD 21219

RE: Item No. 10, Case No. 92-1-A
Petitioner: Howard L. Donovan, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Donovan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3354

Your petition has been received and accepted for filing this
8th day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Howard L. Donovan, Jr.
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 1, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
For July 30, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 505, 9, 7, 9, 10, 17, 16, 19, 21, 22, 23, 24, 27, 30 and 31.

For Item 20, the extension of public water, sewer and paving may be required, prior to issuance of a building permit for this lot.

For Item 26, the previous County Review Group comments are still applicable.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:z

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1721 White Oak Ave. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: *Edgemoor*
plat book: *14*, folio *150*, lots *112*, sections *1*

OWNER: *Robert & Elizabeth Steele*

15 CONC ALLEY

WHITE OAK AVENUE

OAK ROAD

92-1-A

Scale of Drawing: 1" = 20'

date: *6-29-91*
prepared by: *Robert Steele*

NOTES:
1) This is a 1/4 acre lot.
2) The lot is bounded by 15 Conc Alley to the west, White Oak Ave. to the north, Oak Road to the east, and 15 Conc Alley to the south.
3) The lot is bounded by 15 Conc Alley to the west, White Oak Ave. to the north, Oak Road to the east, and 15 Conc Alley to the south.
4) The lot is bounded by 15 Conc Alley to the west, White Oak Ave. to the north, Oak Road to the east, and 15 Conc Alley to the south.
5) The lot is bounded by 15 Conc Alley to the west, White Oak Ave. to the north, Oak Road to the east, and 15 Conc Alley to the south.

LOCATION INFORMATION

Councilmanic District: *4*
Election District: *09*
1"=200' scale map: *NE 9C*
Zoning: *DR 10.5*
Lot size: *10,024* 3590.8 square feet

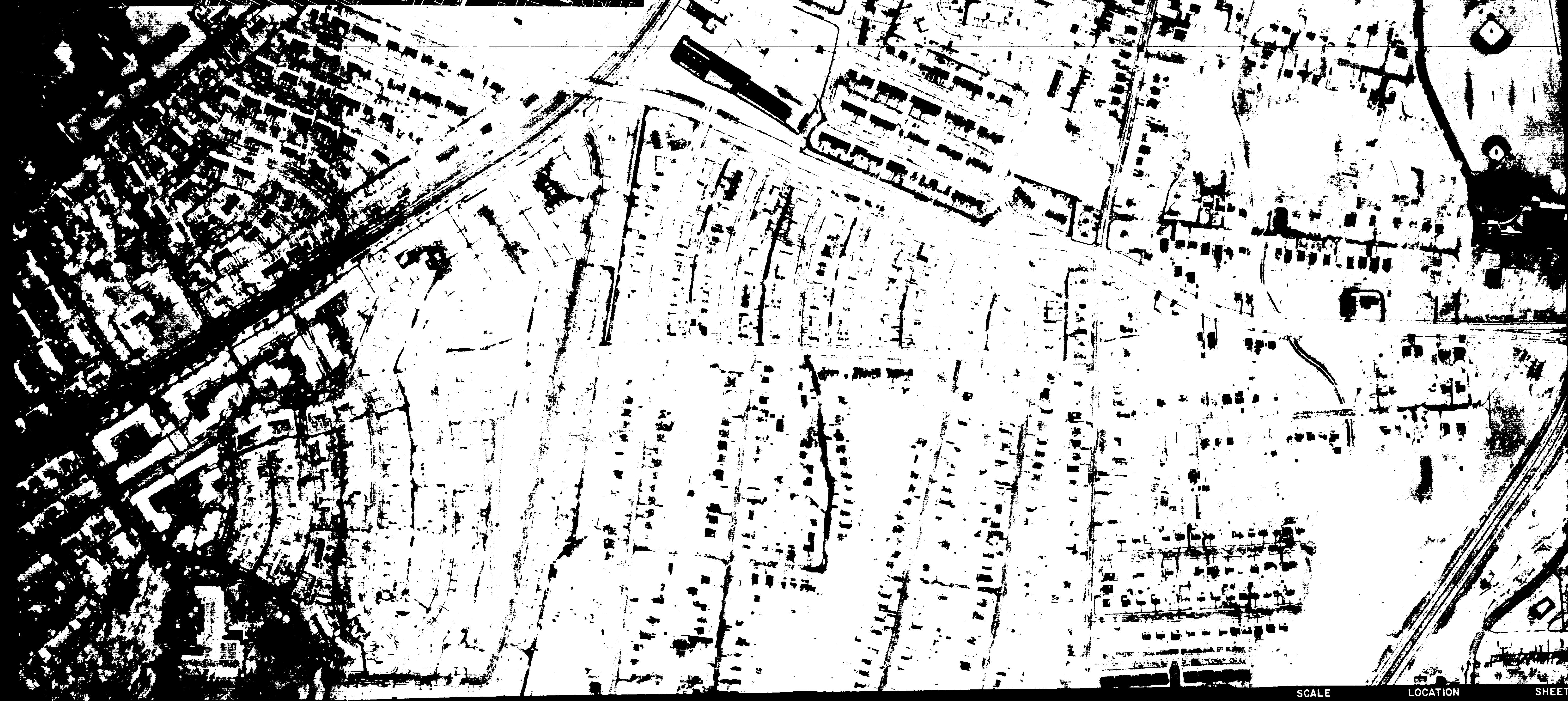
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: *None*

Zoning Office USE ONLY!
reviewed by: *LC* ITEM #: *22* CASE#:

CASE NUMBER 92-1-A

PETITIONER'S EXHIBIT # 2

[Three black and white photographs showing property views and street scenes]



92-1-A

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BAYNESVILLE	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	LOCHRAVEN VILLAGE	9-C

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401